

RALEIGH BOARD OF ADJUSTMENT

DECISIONS

January 8, 2018

A-128-17 – 1/8/18

Decision: Approved as requested.

WHEREAS FTPA Storage Tryon LLC, property owner, requests an 8.5' variance in the 3.5' height limit for a low-profile ground sign set forth in Section 7.3.8.B.2. of the Unified Development Ordinance which would result in a 12' tall ground sign on a 4.18 acre parcel zoned Industrial Mixed Use-3-Parking Limited, Special Highway Overlay District-1 and Special Residential Parking Overlay District and located at 4000 Tryon Road.

A-1-18 – 1/8/18

Decision: Approved as Requested.

WHEREAS Jade Park LLC, property owner, requests a 10' street setback variance from the requirements set forth in Section 5.4.3.F.3., Five Points East neighborhood NCOD, to allow for the construction of a detached house that results in a 28' street setback on a .23 acre site zoned Residential-10 and Neighborhood Conservation Overlay District and located at 105. E. Aycock Street.

A-2-18 – 1/8/18

Decision: Approved as requested.

WHEREAS the City of Raleigh, property owner, requests complete relief from all requirements set forth in Section 8.5 of the Unified Development Ordinance as it pertains to right-of-way dedication or improvements to any adjacent street as part of a park improvement site plan which includes renovating and expanding the Pullen Arts Center located in Pullen Park which occupies a 75.6 acre tract of land zoned Office Mixed-Use-3 and Office Mixed-Use-12 and Special Residential Parking Overlay District located at 410 Ashe Avenue.

A-3-18 – 1/8/18

Decision: Approved as requested.

WHEREAS Joseph and Karen McDonald, Trustees, request both an 8.6' rear yard setback variance and a 2.2' side yard setback variance to the requirements set forth in Section 2.2.1 and Section 1.5.4.D of the Unified Development Ordinance in order to permit a patio that results in a 3.4' rear yard setback and a 2.8' side yard setback on a .18 acre parcel zoned Residential-6 and located at 952 Mere Oak Drive.

A-4-18 – 1/8/18

Decision: Motion approve failed to receive the required 4 affirmative votes; therefore, the variance requested is denied.

WHEREAS Steven Kjellberg, property owner, requests a 10' rear yard setback variance from the requirements set forth in Section 2.2.1. of the Unified Development Ordinance to permit the construction of a new detached house that results in a 20' rear yard setback on a .34 acre parcel zoned Residential-4 and located at 1617 Ridge Road.

A-5-18 – 1/8/18

Decision: Approved as requested.

WHEREAS, Eddie & Edith Price, property owners, request a 1.7' rear yard setback variance pursuant to Section 2.2.1 of the Unified Development Ordinance to enclose an existing deck located at the rear of the detached house that results in an 18.3' rear yard setback on a .16 acre parcel zoned Residential-6 and located at 5914 Big Nance Drive.

A-6-18 – 1/8/18

Decision: Approved as requested.

WHEREAS, 5401 East Development, LLC, property owner, is requesting a special use permit pursuant to Section 6.7.3.G.5. and Section 10.2.9. of the Unified Development Ordinance to allow for a pool with a linear dimension greater than 65' and an area greater than 4,000 square feet on an approximately 2 acre portion of a 7.87 acre parcel zoned Planned Development and located at 6401 Perry Creek Road.

A-7-18 – 1/8/18

Decision: Approved as requested.

WHEREAS Atlas Stark Holdings, property owner, requests complete relief in the amount of required off-street parking called for in Section 7.1.2.C. of the Unified Development Ordinance which equates to a 44 parking space reduction, as well as a 1,000' variance to the maximum distance allowed for remote parking as set forth in Section 7.1.5.B. of the Unified Development Ordinance, as well as a variance to allow for remote parking on property not located in the same contiguous zoning district as set forth in Section 6.4.7.C. of the Unified Development Ordinance, in order to permit a change of use of an existing building to 5,814 SF of retail uses and 11,775 SF of office uses that results in zero off-street parking spaces on-site and remote parking that is located 1,660 feet from the .3 acre site zoned Industrial Mixed-Use-3 and located at 911 North West Street.

A-8-18 – 1/8/18

Decision: Approved with the condition the existing mid-profile ground sign located at the Glenwood Avenue entrance is removed.

WHEREAS Kimco Raleigh Limited Partnership, property owner, requests a special use permit for an additional low profile ground sign pursuant to Section 7.3.8.C.2. of the Unified Development Ordinance on a 35.95 acre tract zoned Commercial Mixed-Use-3 Conditional Use and Commercial Mixed-Use-3 Parking Limited and located at 6204, 6250 and 6274 Glenwood Avenue and 3900 and 3911 Pleasant Valley Road.

A-9-18 – 1/8/18

Decision: approved as requested.

WHEREAS Freedom Partners, LLC, property owner, requests a Special Use Permit pursuant to Section 10.3.2. and Section 10.2.9. of the Unified Development Ordinance to permit an increase in the density/intensity of a nonconforming use. Specifically, the applicant is seeking a 5 dwelling unit increase in the number of mobile homes allowed on the subject property from 30 dwelling units to 35 dwelling units. The subject property is zoned Industrial Mixed-Use-3 and is located at 0 and 835 Freedom Drive.

A-10-18 – 1/8/18

Decision: Upheld Staff's interpretation.

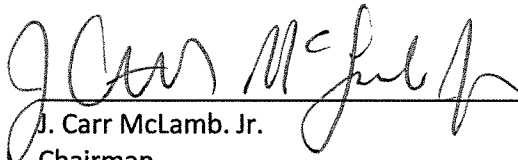
WHEREAS Thomas Graves, adjacent property owner, requests an appeal of the Official Zoning Code Interpretation known as UI-14-17 as it relates to whether or not the window-well at 1604

Jarvis Street constitutes a retaining wall or part of the building structure.

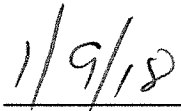
A-11-18 – 1/8/18

Decision: Dismissed on the ground the petitioner is not an aggrieved party.

WHEREAS Michael Birch, appellant, requests an appeal of the Official Zoning Code Interpretation known as UI-15-17 as it relates to whether or not an “unenclosed building appurtenance that serves as a covered entry to a side entrance to the main house, and under which a vehicle may drive to access the detached garage and parking area behind the primary home” qualifies as a carport and is subject to the principal building setbacks or should be allowed as a setback encroachment governed by Section 1.5.4. of the Unified Development Ordinance.



J. Carr McLamb, Jr.
Chairman



Date